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*Attorneys for Intervenor FLS Energy, Inc.*

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

In the Matter of the Application of  
NorthWestern Energy for Interim and Final  
Approval of Revised Tariff QF-1

UTILITY DIVISION  
DOCKET NO. D2016.5.39

**FLS ENERGY, INC.'S PETITION TO INTERVENE**

**I. INTRODUCTION.**

FLS Energy, Inc. ("FLS"), acting by and through its undersigned counsel, hereby petitions the Montana Public Service Commission (hereinafter "Commission") for general intervention in the above-captioned matter. The basis for FLS's intervention is that it is a solar project development company whose business is developing, building, owning, and operating utility-scale solar photovoltaic ("PV") generating facilities. In 2015, based on the current QF-1 tariff, FLS made a major strategic decision to develop and build solar facilities in Montana. FLS prepared a Montana business plan that envisioned the development of approximately 25 3-megawatt ("MW") AC solar facilities in the next several years. At present, FLS has 14 projects that are in an advanced stage of development. Interconnection requests were filed some time ago for all of these facilities; all of them except one have completed. As a result of FLS extensive and continued involvement in the development of these 3 MW facilities in Montana,

NWE's requests for interim and final approval and emergency suspension of its obligations under Section 210 of the Public Utility Regulatory Policies Act of 1978 ("PURPA"), 16 U.S.C. § 824-a3, *et seq.*, with respect to new solar qualifying facilities with an nameplate capacities greater than 100 kilowatts ("kW") may substantially affect and potentially damage FLS's reasonable investment backed expectations in the State of Montana.

## **II SERVICE.**

Please send all documents related to this matter to FLS's counsel as follows:

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Please send all documents related to this matter to FLS as follows:

STEVEN J. LEVITAS  
FLS Energy, Inc.  
130 Roberts Street  
Asheville, NC 28801  
Phone: (828) 350-3993  
Fax: (828) 350-3997  
Email: [legal@flsenergy.com](mailto:legal@flsenergy.com)

## **III. ISSUES.**

The approval of NWE's proposed requests for interim and final approval of its revised QF-1 tariff as well as its proposal to immediately suspend its obligations under Section 210 of PURPA to purchase energy and capacity from solar qualifying facilities with a nameplate capacity of greater than 100 kW may prevent FLS's projects from commercial operation and jeopardizing FLS' already substantial investment in its solar projects.

## **IV. POSITIONS.**

As noted in FLS' comments previously filed in this Docket, FLS does not yet know with certainty the position it may take in this Docket. FLS believes NWE has committed to executing PPAs with FLS for 14 projects (and other similarly situated projects under development by other parties) based on the current QF-1 tariff. Based on this commitment by NWE, FLS has agreed not to oppose NWE's request for emergency relief with respect to solar projects not yet in the interconnection process or not specifically identified by NWE's Supply Department prior to the Commission's ruling on the Motion. As a result of this compromise, FLS will be able to develop its 14 most advanced projects in Montana, but will have to abandon others that it had hoped and planned to develop (in addition to several that have already been abandoned due to NWE's proposed PPA terms regarding facility co-location, which FLS accepted in the further spirit of compromise). FLS will strenuously oppose any attempt by NorthWestern to be excused from its obligation to enter into PPAs with FLS for those 14 advanced projects, and may participate more extensively on NWE's proposals in this Docket if NWE cannot or is unwilling to honor its commitments to FLS.

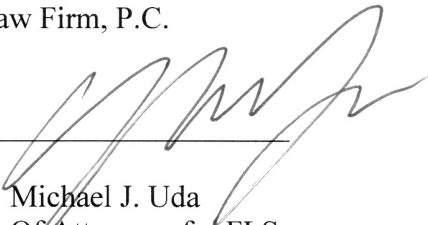
**V. CONCLUSION.**

For the above-stated reasons, FLS respectfully requests general intervenor status in this docket.

RESPECTFULLY SUBMITTED this 8th day of June, 2016.

Uda Law Firm, P.C.

By: \_\_\_\_\_

  
Michael J. Uda  
Of Attorneys for FLS  
Energy, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, postage prepaid via first class U.S. mail on this 8<sup>th</sup> day of June, 2016, upon the following:


The foregoing was e-filed and the original was hand-delivered to the following:

Public Service Commission  
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Helena, MT 59620-2601

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Northwestern Energy  
208 N Montana Avenue  
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Helena, MT 59601

By:

  
\_\_\_\_\_  
Jackie Haskins, Legal Assistant  
Uda Law Firm, P.C.